IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO. 474 OF 2004
IN
SUMMONS FOR JUDGMENT NO.888 OF 2002
IN
SUMMARY SUIT NO.1124 OF 2002

Bombay Cycle & Motor Agency Ltd. .. Appellant

v/s.

Santosh Narayan Pophale .. Respondent

Mr.D.H.Mehta i/by Ms. S.V.Sonawane for appellant.

Mr. C.Thomas i/by Mr. M.S.Bodhanwala for respondent.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 10th August, 2004

P.C.

Heard Mr. D.H.Mehta, the learned counsel for the appellant and perused the order dated 6th July, 2004.

2. In view of the admitted position that the present respondent deposited a sum of Rs.2,73,259/- with the present appellant for purchase of the Premier Padmini Taxi 137D and that the present appellant failed to deliver the said vehicle to the respondent, apparently there was no defence whatsoever disclosed by the appellant in opposition to the summons for judgment taken out by the present respondent.

3. However, the learned trial Judge showed mercy

and granted conditional leave to the present appellant to defend the suit on its depositing the principal amount of Rs.2,73,259/- within six months from the date of the order. The order passed by the learned trial Judge is eminently just and proper warranting no interference in the appeal.

4. Mr. Mehta, the learned counsel for the appellant prays that time of six weeks granted to the appellant for depositing the amount as directed in the impugned order may be extended.

5. The appeal is dismissed in limine. However, further time of six weeks is granted to the appellant for depositing the amount of Rs.2,73,259/-.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)